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Court-Appointed Receiver

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16 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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18 FEDERAL TRADE COMMISSION,
19 Plaintiff,
20 v.
21 IDEAL FINANCIAL SOLUTIONS, INC., et
al.,
22 Defendants.
23

Case No. 2:13-CV-0143-JAD-GWF

**STIPULATION AND ORDER
EXTENDING COMPLETION DEADLINE
FOR RECEIVER**

JUDGE: Hon. Jennifer A. Dorsey
CTRM: 6C

1 WHEREAS, the plaintiff Federal Trade Commission (“FTC”) instituted this action
2 against Defendants Ideal Financial Solutions, Inc.; Ascot Crossing, LLC; Chandon Group, Inc.;
3 Bracknell Shore, Ltd.; Fiscal Fitness, LLC; Avanix, LLC; Steven Sunyich; Christopher Sunyich;
4 Michael Sunyich; Shawn Sunyich; Melissa Sunyich Gardner; Kent Brown; and Jared Mosher
5 (collectively, “Defendants”).

6 WHEREAS, Thomas W. McNamara was first appointed Receiver in this matter by a
7 Temporary Restraining Order (“TRO”) filed January 30, 2013 (ECF No. 10), which appointment
8 was confirmed, and the temporary designation removed, by the Preliminary Injunctions entered
9 February 15, 2013 (ECF No. 18) and May 10, 2013 (ECF No. 49).

10 WHEREAS, on November 16, 2015, the Receiver initiated litigation in this Court against
11 third parties entitled *McNamara v. Voltage Pay, Inc., et al.*, D. Nev. Case No. 2:15-cv-02177 (the
12 “*Voltage Action*”).

13 WHEREAS, on February 23, 2016, this Court entered an Order Granting, in Part, Motion
14 for Summary Judgment and Motion for Default Judgment, Entering Final Judgment, and Closing
15 Case (ECF No. 248) (the “Judgment”) that stated, in relevant part: “The Receiver must complete
16 all duties within 180 days of this order, but any party or the Receiver may request an extension
17 or shortening of the Receiver’s term for good cause.” (ECF No. 248 at 24:2-3).

18 WHEREAS, on August 12, 2016, the Receiver submitted a Stipulation and Order
19 extending the deadline for the completion of his duties. (ECF No. 254.)

20 WHEREAS, on August 15, 2016, the Court entered the Order which extended the
21 Receiver’s completion deadline to August 22, 2017 (ECF No. 255).

22 WHEREAS, at the request of the FTC and as authorized by this Court, the Receiver is
23 currently carrying out the foreclosure process on various properties belonging to the Defendants,
24 at least one of which is subject to a one-year redemption period that likely prevents any sale until
25 the redemption period has expired, as specified in the Receiver’s Quarterly Report filed on
26 August 7, 2017.

27 WHEREAS, the *Voltage Action* is still pending, with expert discovery ongoing.

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1 WHEREAS, the FTC and Receiver are therefore in agreement that there is good cause to
2 extend the receivership for one year, until August 22, 2018; provided, however, that should the
3 Receiver complete the foreclosures and the *Voltage* Action prior to that date, then within thirty
4 days of completion of all such tasks, the Receiver shall make an application to close the
5 receivership, to discharge and exonerate the Receiver, and for approval of any then-outstanding
6 fees and costs.

7 NOW THEREFORE, it is hereby stipulated by and between the FTC and the Receiver as
8 follows:

9 1. The Preliminary Injunctions, including but not limited to the appointment of the
10 Receiver, created in ECF Nos. 18, and 49, as those Preliminary Injunctions were then modified
11 by ECF No. 248 and ECF No. 255, are hereby continued in full force and effect until August 22,
12 2018.

13 2. Should the Receiver complete the foreclosures and the *Voltage* Action prior to
14 August 22, 2018, then within thirty days of completion of all such tasks, the Receiver shall make
15 an application to close the receivership, to discharge and exonerate the Receiver, and for
16 approval of any then-outstanding fees and costs.

17 Dated: August 9, 2017

FEDERAL TRADE COMMISSION

18 By: /s/ R. MICHAEL WALLER
19 R. MICHAEL WALLER
20 *Attorneys for Plaintiff*
FEDERAL TRADE COMMISSION


21 Dated: August 9, 2017

MCNAMARA SMITH LLP

22 By: /s/ DANIEL M. BENJAMIN
23 Daniel M. Benjamin
24 *Attorneys for Thomas W. McNamara,*
Court-Appointed Receiver

25 **IT IS SO ORDERED.**

26 Dated: August 16, 2017.

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28 UNITED STATES DISTRICT JUDGE